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Submission

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Section 64 Block 9 District of North Canberra, Medium Density Residential Use

Summary Recommendations

- (1) The proposed release of Section 64 Block 9 for Medium Density Residential Use in North Watson should be rejected.
- (2) The North Watson area as a whole, including the Majura Horse Paddocks, should be subject to a Strategic Assessment under Part 10 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) similar to the Gungahlin Strategic Assessment (Umwelt 2013) with emphasis on critically endangered grassy woodland conservation, particularly of currently unreserved *Yellow Box ± Apple Box tall grassy woodland of the South Eastern Highland* under the CAR criteria of the nationally ratified *Strategy for the Conservation of Australia's Biological Diversity* (ANZECC 1996).
- (3) The remnant patch of *Yellow Box ± Apple Box tall grassy woodland of the South Eastern Highlands* of Section 64 Block 9 and of *Justice Robert Hope Park* should be managed concurrently for conservation, for the present habitat values and for connectivity and should be protected in perpetuity.

Detailed justification

1. The remnant grassy woodland of Section 64 Block 9 (*Sec64/B19*) is listed *critically endangered* under the Commonwealth EPBC Act and *endangered* under the ACT Nature Conservation Act and is a particular grassy woodland vegetation type *Yellow Box ± Apple Box tall grassy woodland of the South Eastern*

Highlands (Office of Environment and Heritage (2011) Plant Communities of the South Eastern Highlands and Australian Alps within the Murrumbidgee Catchment of New South Wales, http://www.fog.org.au/Reports/Plant%20Community%20Classification_Version1.1_05092011.pdf).

Sec64/B19 contains mature trees with exceptionally high habitat value that provide habitat for residential and for migrating birds.

2. *Yellow Box ± Apple Box tall grassy woodland of the South Eastern Highlands* is not well documented and includes most likely only a few remnants within the ACT (and region), none of which is currently reserved for nature conservation. The sites in the ACT are: (a) *Sec64/B19* proposed for development; (b) *Justice Robert Hope Park* abutting *Sec64/B19* in the south and zoned Public Open Space; (c) possibly parts of *Kenny* located to the north of *Sec64/B19* which is currently subject to an environmental strategic assessment in conjunction with the development of Gungahlin; (d) possibly a 7 hectare site on Mt Majura, which has been removed from the nature reserve and very regrettable has been placed into horse grazing paddock (Variation to the Territory Plan No. 182 (April 2002), further information <http://majura.org/2013/03/11/bring-them-back-request-to-return-horse-paddocks-into-nature-reserve/>); and (e) a narrow strip on Mt Majura zoned as Hills, Ridges and Buffer, which is subject to heavy and ongoing degradation due to management as an Outer Asset Protection Zone (OAPZ), to changed hydrology and to the introduction of utilities.

The Preliminary Documentation prepared on behalf of the Land Development Agency (Moore et al 2013) lists two sites containing habitat similar to *Sec64/B19* located further to the south of *Sec64/B19*. It is highly unlikely that the biological attributes of these two sites are comparable to *Sec64/B19* given the different aspect, topography and terrain of the sites. One of the two sites is to some degree affected by the construction of the Majura Valley Parkway.

3. The National Strategy for the Conservation of Australia's Biological Diversity (ANZECC 1996) provides for a strategy to protect biological diversity through "the establishment of a comprehensive, representative and adequate system of ecologically viable protected areas" (CAR criteria). It is unlikely that the ACT (and region) has achieved the protection of *Yellow Box ± Apple Box tall grassy woodland of the South Eastern Highlands* under the CAR criteria of the nationally ratified strategy, which warrants an assessment and investigation of the current extent and status of this ecological community in the ACT.
4. Moore et al (2013) suggest that the ACT government has taken the following two actions to compensate for the loss of EPBC listed yellow box-red gum grassy woodland (YBRG) of *Sec64/B19* and propose that these government actions satisfy the advanced offset requirements under the EPBC Act (Australian

Government 2012): (1) setting aside the grassy woodland of Block 7 Section 72, now named *Justice Robert Hope Park* (JRHP), and (2) supporting environmental management actions to enhance the conservation values of JRHP.

4.1 The process to protect the YBRG grassy woodland of the JRHP started in the late 1990's just before the commencement of the EPBC Act and before the YBRG grassy woodland was listed *endangered* and then *critically endangered* (effective 17 May 2006) under this Act. This process was entirely driven by the volunteer community, concerned with nature conservation. The community recognized the value of the YBRG grassy woodland of the JRHP (Gilles 2000), whereas the ACT government failed to recognize or assess the grassy woodland value of the JRHP, which was not included in Action Plan No.10 (1999) for YBRG nor in the Action Plan No. 27 (2004) ACT Lowland Woodland Conservation Strategy. If the ACT government is of the opinion that it set aside the JRHP as a proactive action to offset the loss of critically endangered YBRG in *Sec64/B19* it should have declared JRHP as future offset and establish (and manage!) the conservation status of JRHP at the time of declaration. This would have been crucial for government actions to enhance JRHP to be measurable. Using the JRHP as advanced offset action would appear to be not compatible with the offset requirements under the EPBC Act.

4.2 The ACT government action to enhance JRHP was to provide the community a grant mainly to assist with the construction of a fence. The community received this grant on application under the competitive ACT Environment grant scheme that is open to environmental groups of the ACT. In addition, the community received a grant on application under the competitive Federal Government *Bushcare* grant scheme to assist with the preparation of a management plan. The provision of a grant to community as part of the competitive ACT Environment grant scheme and a grant received under a Federal program should not qualify as an ACT government offset action to compensate for the loss of critically endangered YBRG on *Sec64/B19*.

5. The evaluation of the offset proposal (JRHP) does not take into account the impact of a 100m wide Outer Asset Protection Zone (OAPZ), which Moore et al (2013) suggest to be entirely located inside the JRHP in case the development of *Sec64/B19* should go ahead. The evaluation does also not take into account the impact of a storm water pipe proposed to be constructed inside JRHP. OAPZ and stormwater pipe would impact on roughly 25% of the JRHP. The management of OAPZ could in principle achieve outcomes that are sympathetic with the management for environmental values. However, in our experience, OAPZ management in nature reserves causes severe degradation, introduces and spreads weeds such as Chilean Needle grass (Weed of National Significance) and suppresses desirable native groundcover. We are not aware of any example,

where OAPZ management has been neutral in regard to conservation values or has delivered positive conservation outcomes.

6. The evaluation of the offset proposal fails to take into account the suite of impacts caused by a dense residential development at the hard edge of a nature reserve and that have the potential to degrade the habitat value of adjacent JRHP - and nearby Mt Majura nature reserve - such as:

- Increased spread of exotic flora and fauna;
- increased human presence, including domestic animals (dogs and cats), which may affect amongst other things, the breeding success of birds (JRHP and adjacent *Sec64/B19* provide major breeding habitat for *Red-rumped Parrot*);
- increased littering and dumping of garden waste;
- increased noise and light pollution that is increasingly known to affect fauna;
- change of nutrient loads from water shed of the proposed adjacent road that may affect vegetation composition and may render management of native groundcover more difficult;
- increased inappropriate use of nature reserves and vandalism that may affect conservation values and that will have a devastating impact on the motivation of volunteers, who have in the past and continue to do the only work in the JRHP that maintains its conservation value.

The recent development in North Watson, known as 'The Fair', provides a very instructive example of how a residential development of medium density affects adjacent conservation areas. The Fair abuts Mt Majura nature reserve in the north-west and has been approved without any measure to mitigate adverse impacts on MNES and other environmental values of the reserve. The construction of TheFair development started in 2010 and by now 360 dwellings are occupied. Here is an incomplete list of issues that have arisen since:


- (a) As requested by the community, but not by government agencies, The Fair has been declared a cat containment area. However, the containment is not enforced with the result that cats are freely roaming within the residential area and have been frequently observed to hunt in the abutting reserve.
- (b) Although the reserve is a dog-on-lead area, dogs are regularly exercised off lead in the reserve and residents of The Fair and other visitors of the reserve have already reported dog attacks.
- (c) Rubbish, including rotten meat, has been dumped in the reserve and littering is an ongoing problem.
- (d) Since construction began, seven mature yellow box trees have been cut for wood collection in the reserve close to The Fair.

- (e) Vandalism of conservation volunteer work and facilities have taken place and mountain bike riders are inappropriately using a walking track that was constructed to provide access for the new residence to the nature reserve.
- (f) Canberra Ornithologists Group reports a decrease of declining small woodland birds (Speckled Warbler) on the northwest corner of Mt Majura (Jenny Bounds, personal communication), an area, which has the highest diversity of declining small woodland bird species along the west slopes of Mts Majura / Ainslie.
- (g) The most disheartening and devastating comment came from Nature Parks Management staff, who suggested that it is futile to continue carrying out work to conserve habitat for declining woodland birds, because the impact of The Fair development will wipe them out anyway.

Conclusion and Recommendations

1. The whole of North Watson, including the Majura Horse Paddocks, should be subject to an Environmental Assessment similar to the Gungahlin Strategic Assessment. The emphasis should be on the connectivity of critically endangered grassy woodland, particularly *Yellow Box ± Apple Box tall grassy woodland of the South Eastern Highland* (CAR criteria) that provide habitat for threatened, declining or rare bird species and migrating birds. The current ACT Government block-by-block approach in North Watson does not address the cumulative loss of and the increasing pressure caused by urban encroachment on, the remaining critically endangered grassy woodland / *Yellow Box ± Apple Box tall grassy woodland of the South Eastern Highland* and dependent species in the area. Recent urban and recreational development in the area such as *The Fair* at the north-western edge of Mt Majura nature reserve in North Watson, the Majura Highway, east of Mts Majura/Ainslie nature reserves, and the *Centenary Trail* within the Mts Majura/Ainslie nature reserves directly and indirectly impact on EPBC listed grassy woodland and other Matters of National Environmental Significance (MNES). These developments have been approved without conditions, offsets or mitigation actions for direct or indirect impact on MNES. It was noted in submissions that the Centenary Trail Referral to the Federal Government contained false information with regard to MNES (Swift Parrot).
2. The proposed release of Section 64 Block 9 for Medium Density Residential Use (up to 260 units on approximately 4 hectares of land) should be rejected. The remnant EPBC listed grassy woodland of North Watson, including the *Yellow Box ± Apple Box tall grassy woodland of the South Eastern Highlands* of *Sec64/B19* and of *Justice Robert Hope Park* should be managed

concurrently for conservation, for the present habitat values and for connectivity and should be protected in perpetuity.



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References

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